

SIMMONS JANNACE DeLUCA, LLP

ATTORNEYS AT LAW

43 CORPORATE DRIVE

HAUPPAUGE, NEW YORK 11788-2048

(631) 873-4888

FAX (631) 873-4889

Counsel

Susan B. Jannace
Ross M. Chinitz^

Kevin P. Simmons
Steven D. Jannace
Sal F. DeLuca^
Allison C. Leibowitz
Stacey Ramis Nigro

Mary C. Azzaretto
Daniel P. Borbet
Irina Feferman*
Ian E. Hannon
Michael C. Lamendola*
Aric H. Peymann
Merle Schrager
Daniel J. Solinsky

*Also Admitted NJ
^Also Admitted CT

February 26, 2021

Via ECF

Magistrate Judge Robert M. Levy
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

RE: Singh, Devander v. Ronald Poles, Penske Truck Leasing
Co., L.P., Penske Truck Leasing Corporation, Costco
Wholesale Corporation, Costco Wholesale Membership, Inc.
and Sahib Walia
Civil Action No: 1:19-CV-1984-JBW-RML

Dear Magistrate Judge Levy:

This office represents Defendants, Ronald Poles and Costco Wholesale Corporation, in the above-matter. Please allow this letter to serve as Defendants' application on consent for a 60-day extension of the current expert paper discovery deadline of March 1, 2021.

Since the last update, opposing counsel exchanged disclosures for plaintiff's treating physicians and provided additional authorizations for medical records. Defendants continue to obtain remaining medical records and work towards finalizing reports from their experts for disclosure. Additionally, we are evaluating potential rebuttal witnesses in response to plaintiff's non-treating expert disclosures. Despite our diligence, the COVID-19 pandemic continues to cause delay in completing the aforementioned.

Defendants efforts towards completing discovery have been further impacted by unforeseen developments. Specifically, it was recently learned their anticipated biomechanical expert suffered a major stroke in the Fall causing a total loss of function on his

Magistrate Judge Robert M. Levy
United States District Court
Eastern District of New York
February 26, 2021
Page 2

left side. As it appears his future prognosis is uncertain, efforts are currently underway to retain a replacement. We were also unable to reach our expert orthopedic surgeon for a period of several weeks. A line of communication has since been restored with the break attributed to a sudden and unexpected increase in the expert's obligations to his private practice. We anticipate receiving his report in the coming weeks.

Provided there are no further unanticipated delays, Defendants expect to be in a position to exchange their expert discovery within the next two months. Accordingly, it is respectfully requested that the current expert paper discovery deadline be extended to May 3, 2021. Once these disclosures are made, we should be in a position to set a schedule for expert depositions.

Although plaintiff consents to this application as outlined herein, he requests the court conference currently scheduled for March 8, 2021 remain on the calendar. Defendants have no objection to proceeding with the conference.

There have been two prior formal requests to extend discovery, which have been granted by Your Honor. Thank you for the opportunity to address the Court in this matter.

Very truly yours,

Sal F. DeLuca

Sal F. DeLuca

MCL:
623258